

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY J. KITZMILLER; BRYAN REHM;	:	
CHRISTY REHM; DEBORAH F.	:	
FENIMORE; JOEL A. LIEB; STEVEN	:	
STOUGH; BETH A. EVELAND;	:	
CYNTHIA SNEATH; JULIE SMITH;	:	Case No. 4:04-CV-2688
ARALENE D. CALLAHAN ("BARRIE");	:	
FREDERICK B. CALLAHAN,	:	
Plaintiffs	:	(Judge Jones)
	:	
v.	:	
	:	
DOVER AREA SCHOOL DISTRICT;	:	
DOVER AREA SCHOOL DISTRICT	:	
BOARD OF DIRECTORS,	:	
Defendants.	:	

**ORDER**

**December 21, 2004**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On December 14, 2004 the above-captioned Plaintiffs filed a complaint against Defendants Dover Area School District and Dover Area School District Board of Directors ("Defendants") in the United States District Court for the Middle District of Pennsylvania. Plaintiffs assert that Defendants' October 18, 2004 resolution and November 19, 2004 press release (collectively, "the policy") facially and as applied violate the Establishment Clause of the First Amendment to

the United States Constitution. Additionally, Plaintiffs contend that Defendants' policy violates Art. 1, § 3 and Art. III, §§ 15 & 29 of the Pennsylvania Constitution facially and as applied.

On December 21, 2004 a scheduling conference was held in the above-captioned matter, during which the parties reached certain agreements. As a result we will enter the following Order.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Plaintiffs will be permitted to conduct limited discovery in aid of their determination as to whether to file a motion for a temporary restraining order enjoining Defendants' policy. The period for said limited discovery shall commence immediately and will terminate at the close of business on January 5, 2005.
2. Said limited discovery shall consist of no more than four depositions to be conducted by Plaintiffs. Any additional discovery shall be conducted upon either agreement of the parties or by further order of this Court, should no agreement be reached.

3. Plaintiffs' deadline for the filing of a motion seeking the entry of a temporary restraining order shall be the close of business on January 5, 2005.

s/ John E. Jones III

John E. Jones III

United States District Judge